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# CITY OF WESTMINSTER

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September 30, 2010

Mr. Thomas Beyard  
Zoning Administrator  
City of Westminster  
56 West Main Street  
Westminster, MD 21157

Re: Application for Zoning Text Amendment  
Article VIVD – Neighborhood Preservation  
Overlay Zone – ZTA #10-3

Dear Tom:

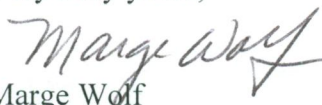
On behalf of the Mayor and Common Council, I hereby file this application to amend the text of Chapter 164 of the Westminster City Code to add a new Article VIVD. The purpose of this text amendment is to create a new zoning category called the "Neighborhood Preservation Overlay Zone", in keeping with the recommendations included in the City's 2009 Comprehensive Plan.

The language of the text amendment is contained in the enclosed Ordinance No. 816. This application for text amendment was filed in accordance with the requirements of Section 164-176 of the Westminster City Code.

Please begin the process of consideration of this proposed text amendment as the earliest possible time.

Questions or concerns should be directed to my attention at 410-848-7967.

Very truly yours,

  
Marge Wolf  
City Administrator

TB/  
enclosure



Sponsored by: Councilman Greg Pecoraro  
Councilman Robert Wack

ORDINANCE NO. 816

AN ORDINANCE AMENDING CHAPTER 164, "ZONING AND SUBDIVISION OF LAND",  
OF THE CODE OF THE CITY OF WESTMINSTER, TO ADD ARTICLE VIVD,  
"NEIGHBORHOOD PRESERVATION OVERLAY ZONE".

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the Mayor and Common Council of Westminster, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to Md. Code Ann., Art. 66B, § 4.01, in order to promote the health, safety, morals, or general welfare of the community, the City may regulate and restrict, for trade, industry, residences, and other purposes, the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, off-street parking, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, signs, structures and land; and

WHEREAS, Md. Code Ann., Art. 66B, § 4.02 provides that regulations adopted by the City to implement the authority granted by § 4.01 are to be adopted in accordance with the City's comprehensive plan, with reasonable consideration for, among other things, the character of the district and its suitability for particular uses, with a view to conserving the value of buildings and encouraging orderly development and the most appropriate use of land, and are to be designed to control congestion in the streets, secure the public safety, promote health and the general welfare, provide adequate light and air, promote the conservation of natural resources, prevent environmental pollution and avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements; and

WHEREAS, in the exercise of the aforementioned authority, the City has enacted, and from time to time amended, Chapter 164, "Zoning and Subdivision of Land," of the City Code; and

WHEREAS, the City desires to minimize the impact of commercial development on adjacent residential properties and to preserve the residential character of the existing structures and lots in certain historic single-family neighborhoods in the R-7,500 and R-10,000 Zones, which may from time to time be identified for inclusion in the Neighborhood Preservation Overlay Zone; and

WHEREAS, the City further desires to preserve, improve, or protect the general character and design of the lands and improvements in the Neighborhood Preservation Overlay Zone, as well as the surrounding or adjacent lands and improvements; and



WHEREAS, the City further desires to add to the attractiveness and comfort of its historic single-family residential districts, create a better home environment in the City, and preserve areas that are generally regarded by the public as pleasing to the eye; and

WHEREAS, the City specifically finds that the public health, comfort, order, safety, convenience, morals, and general welfare will be served by creating the Neighborhood Preservation Overlay Zone, which is intended to preserve within the City of Westminster the beautiful, quiet, scenic, traditional and historic character of certain single-family residential neighborhoods in the zone, and to prevent the encroachment of commercial uses thereupon, which commercial uses are likely to impair those neighborhoods due to the adverse impacts of noise, traffic, parking congestion, blight, accumulations of trash, and obstruction of open spaces and views; and

WHEREAS, the City further specifically finds that the creation of the Neighborhood Preservation Overlay Zone will be consistent with the City's comprehensive plan, with reasonable consideration for conservation of the value of buildings and the encouragement of orderly development and the most appropriate use of land in the zone; and

WHEREAS, in order to implement the foregoing purposes, the City deems the public interest to be served by the amendment of Chapter 164 of the City Code to create the Neighborhood Preservation Overlay Zone, as set forth herein.

NOW THEREFORE BE IT ENACTED AND ORDAINED by The Mayor and Common Council of Westminster, that Chapter 164, "Zoning and Subdivision of Land", of the Code of the City of Westminster be and is hereby amended to add Article VIVD, "Neighborhood Preservation Overlay Zone," to read as follows:

#### ARTICLE VIVD. NEIGHBORHOOD PRESERVATION OVERLAY ZONE (NP ZONE)

##### 164-45.25. INTRODUCTION.

THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE IS INTENDED TO PROVIDE FOR THE PRESERVATION OF THE HISTORIC CHARACTER AND PHYSICAL SETTING OF THE CITY'S TRADITIONAL NEIGHBORHOODS BY PROMOTING RESIDENTIAL USES AND DIRECTING MORE INTENSE USES TO OTHER SUITABLE LOCATIONS. THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE IS A MAPPED ZONE WHICH IS SUPERIMPOSED OVER PROPERTIES INCLUDED IN THE R-7,500 RESIDENTIAL ZONE AND R-10,000 RESIDENTIAL IN CERTAIN TRADITIONAL RESIDENTIAL NEIGHBORHOODS. ONCE PROPERTIES ARE INCLUDED IN THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE, ANY DEVELOPMENT OR USE OF SUCH PROPERTIES ARE SUBJECT TO ITS PROVISIONS.

##### 164-45.26. PURPOSE.

IT IS THE PURPOSE OF THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE TO PROTECT THE HISTORICAL AND ARCHITECTURAL CHARACTER OF THE CITY'S



TRADITIONAL RESIDENTIAL NEIGHBORHOOD BY PROMOTING THE USE OF LAND AND DEVELOPMENT THAT IS COMPATIBLE WITH WESTMINSTER'S HERITAGE AND IS IN KEEPING WITH THE SPIRIT AND INTENT OF WESTMINSTER'S COMPREHENSIVE PLAN.

A. THE OBJECTIVES OF THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE ARE:

- (1) TO PRESERVE AND PROMOTE THE USE OF LAND THAT IS RESPECTFUL OF THE RESIDENTIAL CHARACTER OF THE CITY'S TRADITIONAL NEIGHBORHOODS;
- (2) TO PROMOTE THE PRESERVATION OF NEIGHBORHOOD IDENTITY AND VISUAL CHARACTER;
- (3) TO GUIDE THE USE OF LAND AND DEVELOPMENT TO REFLECT WESTMINSTER'S HERITAGE AND TO FOSTER A SENSE OF COMMUNITY PRIDE;
- (4) TO PROTECT WESTMINSTER'S QUALITY OF LIFE, COMMUNITY CHARACTER AND CITY IDENTITY;
- (5) TO USE THE HISTORIC CHARACTER OF WESTMINSTER AS A TOOL TO UNIFY THE COMMUNITY;
- (6) TO ENCOURAGE MORE INTENSIVE USE OF LAND ON SITES IN OTHER SUITABLE LOCATIONS IN THE CITY;
- (7) TO CREATE A "SENSE OF PLACE" IN WHICH THE RESIDENTIAL CHARACTER OF THE CITY'S TRADITIONAL NEIGHBORHOODS IS ENHANCED AND ENCOURAGED;
- (8) TO ENSURE THE USE OF LAND AND DEVELOPMENT IS COMPATIBLE WITH THE NEIGHBORHOOD'S VISION FOR THE FUTURE; AND
- (9) TO RECOGNIZE THE IMPORTANCE OF A POSITIVE COMMUNITY IMAGE AND QUALITY COMMUNITY DESIGN TO ASSIST THE CITY IN INSTILLING A SENSE OF PRIDE AND WELL-BEING IN THE COMMUNITY.

164-45-27. DISTRICT DESIGNATED.

THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE SHALL APPLY TO ALL PROPERTIES INCLUDED IN THE ZONE AS DESIGNATED ON THE CITY OF WESTMINSTER ZONING MAP AS "NEIGHBORHOOD PRESERVATION OVERLAY ZONE".



164-45.28. RELATIONSHIP TO UNDERLYING ZONES.

THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE SHALL BE PLACED OVER PROPERTY LOCATED IN EITHER THE R-7,500 RESIDENTIAL ZONE OR R-10,000 RESIDENTIAL ZONE ONLY. THE PERMITTED USES AND SPECIAL EXCEPTION USES AUTHORIZED IN THE UNDERLYING ZONES ARE MODIFIED AND SUPERCEDED BY THOSE CONTAINED IN THIS ARTICLE. ALL OTHER PROVISIONS OF THE UNDERLYING ZONES SHALL APPLY AND REMAIN IN FORCE AND EFFECT. IN THE EVENT OF ANY CONFLICT, THE PROVISIONS OF THIS ARTICLE SHALL CONTROL.

164-45.29. USES PERMITTED.

A. FOR PROPERTIES WITH AN UNDERLYING ZONE OF R-7,500 RESIDENTIAL ZONE.

(1) USES PERMITTED. NO BUILDINGS, STRUCTURE OR LAND SHALL BE USED AND NO BUILDING OR STRUCTURE SHALL HEREAFTER BE ERECTED, STRUCTURALLY ALTERED, ENLARGED OR MAINTAINED, EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES:

(a) DWELLINGS, SINGLE-FAMILY DETACHED, INCLUDING ACCESSORY BUILDINGS INCIDENTAL TO THE PERMITTED USE.

(b) DWELLINGS, SINGLE-FAMILY SEMIDETACHED, INCLUDING ACCESSORY BUILDINGS INCIDENTAL TO THE PERMITTED USE.

(2) SPECIAL EXCEPTIONS. THE FOLLOWING USE MAY BE PERMITTED AS A SPECIAL EXCEPTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XXII:

(a) CHURCHES, CONVENTS, MONASTERIES, PARISH HOUSES AND ALL OTHER PLACES OF WORSHIP.

(b) PUBLIC BUILDINGS AND STRUCTURES.

B. FOR PROPERTIES WITH AN UNDERLYING ZONE OF R-10,000 RESIDENTIAL ZONE.

(1) USES PERMITTED. NO BUILDINGS, STRUCTURE OR LAND SHALL BE USED AND NO BUILDING OR STRUCTURE SHALL HEREAFTER BE ERECTED, STRUCTURALLY ALTERED, ENLARGED OR MAINTAINED, EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES:

(a) DWELLINGS, SINGLE-FAMILY DETACHED, INCLUDING ACCESSORY BUILDINGS INCIDENTAL TO THE PERMITTED USE.



(2) SPECIAL EXCEPTIONS. THE FOLLOWING USE MAY BE PERMITTED AS A SPECIAL EXCEPTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XXII:

- (a) DWELLINGS, SINGLE-FAMILY SEMIDETACHED, PROVIDED THAT ON PARCELS OF LAND IN EXCESS OF FIVE ACRES NO MORE THAN 20% OF THE NET BUILDABLE LAND MAY BE DEVOTED TO SEMIDETACHED SINGLE-FAMILY DWELLINGS.
- (b) CHURCHES, CONVENTS, MONASTERIES, PARISH HOUSES AND ALL OTHER PLACES OF WORSHIP.
- (c) PUBLIC BUILDINGS AND STRUCTURES.

164-45.30. RECLASSIFICATION.

NOTWITHSTANDING ANY PROVISIONS IN THE UNDERLYING ZONES TO THE CONTRARY, PROPERTIES INCLUDED IN THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE ARE NOT ELIGIBLE FOR CONSIDERATION FOR RECLASSIFICATION TO EITHER THE PD-4 PLANNED DEVELOPMENT 4 ZONE OR THE PD-9 PLANNED DEVELOPMENT 9 ZONE, AS PROVIDED FOR IN THE UNDERLYING ZONES.

164-45.31. PROCEDURE

AN APPLICATION FOR ZONAL CLASSIFICATION IN THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE MAY BE MADE ONLY BY A SECTIONAL MAP AMENDMENT.

164-45.32. INCLUSION OF ADDITIONAL NEIGHBORHOODS.

THE CITY WILL PARTNER WITH ITS HISTORIC DISTRICT COMMISSION AND OTHER BOARDS AND COMMISSIONS OF THE CITY, THE HISTORICAL SOCIETY OF CARROLL COUNTY, AND OTHER STATE, COUNTY AND LOCAL ORGANIZATIONS AND GROUPS TO IDENTIFY ADDITIONAL TRADITIONAL RESIDENTIAL NEIGHBORHOODS FOR POTENTIAL INCLUSION IN THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE AS AN INTEGRAL COMPONENT OF AN OVERALL PRESERVATION PLAN FOR WESTMINSTER. THIS IMPORTANT WORK NOT ONLY HELPS TO IMPLEMENT THE CITY'S COMPREHENSIVE PLAN BY FOCUSING ATTENTION ON THE PRESERVATION AND IMPROVEMENT OF THE CITY'S TRADITIONAL RESIDENTIAL NEIGHBORHOODS, BUT ALSO BY INITIATING A DIALOG AMONG CITY GOVERNMENT AND ITS RESIDENTS ABOUT THE LOOK, FEEL AND CHARACTER OF WESTMINSTER.

Section 2. City staff shall focus City programs, including but not limited to residential façade loans, as authorized by State funding, historic tax credits and related historic programs and other rehabilitation programs of the City, to properties included in the Neighborhood Preservation Overlay Zone.

Section 3. Be it further enacted and ordained by The Mayor and Common Council of Westminster that this Ordinance shall take effect ten (10) days after its passage and approval.

INTRODUCED this \_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Margaret L. Wolf, City Administrator

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Margaret L. Wolf, City Administrator

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Kevin R. Utz, Mayor

APPROVED AS TO FORM AND SUFFICIENCY  
this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Elissa D. Levan, City Attorney

Underlining : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from existing law.